

Contracts Documentation

J&A Number 08-190C DoN LAIRCM

J&A Template: Ktrs v1F

**Justification for Other than Full and Open Competition**

Please fill in all of the required details below.

C1. J&A Description:

J&A Number: **08-190C**

Acquisition Name: **DoN LAIRCM**

The estimated total dollar amount is: **\$40,000,000**

Class J&A?: ☒

C2. Exception to full and open competition:

**FAR 6.302-1 "Only One Responsible Source"**

C3. Contracting Activity:

Naval Air Systems Command  
Naval Air Systems Command Headquarters  
Aircraft Support Contracts Department (AIR 2.2.1.1.4)  
47123 Buse Road, Bldg 2272  
Patuxent River, MD 20670-1547

C4. Synopsis, Was a synopsis describing this action(s) released in FEDBIZOPPS?

☐ Yes

▪ If Yes,

- The synopsis was posted on [REDACTED]
- Which companies responded in writing? [REDACTED]
- Describe action(s) taken with responses received: [REDACTED]
- ☐ Any future responses to the synopsis will be evaluated by the contracting officer

☒ No, a synopsis was not released because:

- ☒ Each action will be synopsisized individually
- ☐ Of an Unusual and Compelling Urgency under FAR 6.302-2
- ☐ This action(s) is the result of an international agreement.
- ☐ Other: [REDACTED]

C5. Determination of Fair and Reasonable Cost / Price:

In Accordance With (IAW) FAR 6.303-2 (a) (7), the PCO will take the following action(s) to ensure Cost / Price reasonableness.

- ☒ Obtain Field/ DCAA Audits
- ☒ Obtain Certified Cost and Pricing Data
- ☒ Utilize Independent Government Estimate
- ☒ Utilize Historical Data
- ☒ Conduct Price Analysis IAW FAR 15.404-1
- ☐ Other, explain: [REDACTED]

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**Justification for Other than Full and Open Competition**

**6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

Please fill in all of the required details below.

T1. J&A Description:

J&A Number: **08-190C**

Acquisition Name: **DoN LAIRCM**

T2. Technical Point of Contact:

WHAT is being acquired?

T3. Concisely describe the nature of this acquisition: **The United States Navy has a requirement for engineering and technical support, logistics support, I&E support, and related repairs in support of a fielded Department of Navy Large Aircraft Infrared Countermeasure (DoN LAIRCM) system installed on USMC CH-46, CH-53 and MV-22 aircraft. NAVAIR intends to issue a class of orders under a Basic Ordering Agreement (BOA) to Northrop Grumman Systems Corporation, Defensive Systems Division, located in Rolling Meadows, IL. The orders will support DoN LAIRCM engineering efforts, as well as the repair and retrofit of initially fielded DoN LAIRCM systems. This includes, but is not limited to the following: engineering integration; procurement of Infrared Missile Warning System (IR MWS) and spares; analysis and evaluation of engineering tradeoffs; support of technical developments; and software development during, and in support of, system testing and evaluation. The Contractor shall furnish (1) engineering and testing; (2) technical data and software; (3) special studies as directed; (4) modification of Government Furnished Equipment (GFE) for testing; (5) repairs incidental to engineering efforts ordered hereunder; (6) software support; (7) logistics support; (8) test support; and (9) other engineering services in support of the DoN LAIRCM system. Specific delivery requirements will be included in the individual BOA orders. This BOA will be in effect for a period of up to three years. The orders shall be placed either on a fixed-price or cost-reimbursement basis.**

T4. The estimated total dollar amount, including options, of this action is: **\$4,000,000**

T5. This J&A approves the following type of action(s): *(Coordinate with PCC)*

☐ Single action

▪ New **Select type of Contract** type **Select Action Type**

☒ Class of actions. If this is a Class J&A, it covers actions through **May 2011**.

▪ New **Fixed Price and Cost Reimbursable** type **orders under a BOA**

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The quantities identified below are estimated and may be adjusted to reflect other such quantities as may be authorized and appropriated by Congress.

T7. This requirement will be funded with the following appropriations (appn):

[illegible]

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**WHO?** *Who is the only source?*

T8. **Northrup Grumman Systems Corporation** is the only source that can provide the above supplies or services and no other supplies or services will satisfy the program's requirements.

**WHY** *is the source above the only one that can fulfill the requirement?*

In accordance with Title 10 U.S.C 2304(c)(1) as cited in FAR 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."

T9. Only the specified source can provide the above described supplies or services due to:

☒ Insufficient Technical Data and / or Rights The Government does not possess adequate data and / or the rights necessary to competitively award this requirement:

- Explain why the technical data is necessary for this acquisition:  
**Northrop Grumman owns the technical data package which they use as specific guidance in the manufacture, test, integration and installation of the United States Air Force (USAF) LAIRCM system. The DoN LAIRCM system will be a derivative of the USAF LAIRCM system; the basis for the design, integration and test of modifications for the DoN LAIRCM system is peculiar to the USAF LAIRCM system. Northrop Grumman is the only source that possesses and has access to all the comprehensive data of the USAF LAIRCM system, aircraft integration and installation. USAF LAIRCM system technical data is proprietary and resident with Northrop Grumman. The USAF did not procure the technical data package for the USAF LAIRCM system. The Government's limited technical data package does not document the proprietary design processes for the USAF LAIRCM system which would be required to allow another firm to produce a functional and compliant USAF LAIRCM system and subsequently a DoN LAIRCM system. The Government's technical data base is incomplete and inadequate for any other party to perform this effort. As discussed below, Northrop Grumman will not sell the complete technical data package and rights.**

- Does the Government possess all the technical data required to competitively award this requirement?

☐ Yes

- If Yes, explain why the Government does not possess sufficient data rights for the competition of this requirement:

**[REDACTED]**

- If Yes, could the necessary rights to the data be purchased?

☐ Yes, the necessary rights could be purchased for an estimated \$ **[REDACTED]**.

This amount was determined by **[REDACTED]**.

This amount is economically unfeasible due to **[REDACTED]**

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☐ No, explain; [REDACTED]

☒ No

- If No, explain why the Government does not possess sufficient technical data to competitively award this requirement.

**Northrop Grumman is the owner of the technical data for the USAF LAIRCM system on which the DoN LAIRCM system will be based. The USAF did not procure the data rights for the USAF LAIRCM system and the Navy cannot procure the technical data to competitively award the Navy requirement.**

- If No, could the necessary technical data and rights be purchased?

☐ Yes, the necessary Data and Rights could be purchased for \$ [REDACTED].

This amount was determined by [REDACTED].

This amount is economically unfeasible due to [REDACTED].

☒ No, explain; **Contract Specialist contacted Northrop Grumman regarding the purchase of the necessary LAIRCM Technical Data package with Government Purpose Rights via email dated 01 May 2008. Northrop Grumman email dated 06 May 2008 explicitly states that Northrop Grumman declines to sell the necessary Technical Data and Rights.**

☐ Special Tooling Only the referenced source has access to special tooling which is necessary to fulfill this requirement.

- Explain why the special tooling is necessary for this acquisition: [REDACTED]

- Could the necessary special tooling be purchased?

☐ Yes, the necessary tooling could be purchased for an estimated \$ [REDACTED].

This amount was determined by [REDACTED].

This amount is economically unfeasible due to [REDACTED].

☐ No, explain; [REDACTED].

☐ Substantial Duplication of cost (for follow-on actions only) The above source is deemed to be the only source available because an award to a source other than the original provider would result in a substantial duplication of cost which would not be recovered through competition.

- An estimated \$ [REDACTED] worth of work would be duplicated
- Explain in detail how this amount was determined [REDACTED]

☐ Unacceptable delay of work (for follow-on actions only) The above source is deemed to

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**HOW? / Background** *Further required information*

T10. Is there a supporting acquisition planning document for this program?

☒ Yes

- If Yes, is the supporting acquisition planning document current?

(*ensure legal counsel has a copy of the latest document*)

☒ Yes, it is current as of **May 2008**

☐ No, explain; [REDACTED]

- If Yes, is this J&A consistent with the content of the supporting acquisition planning document, including MOPAS?

☒ Yes, it is consistent.

☐ No, explain; [REDACTED]

☐ No

- If No, why is there not a supporting acquisition planning document?

☐ A supporting acquisition planning document is not required in accordance with DFARS **207.103 (d)(i)**

☐ Other, explain; [REDACTED]

T11. Market Research and / or Survey.

☐ Performed

- Describe the research and / or survey that was conducted: [REDACTED]

☒ Not Performed

- No market research or survey was conducted due to: **rationale called out in paragraph T9 of this J&A; however, each order under this BOA will be synopsized. Any responses from an interested source will be evaluated prior to award of the relevant order.**

T12. Follow-on Information: (Required for all actions)

- ☐ Will this requirement be acquired again?

☒ Yes

- If Yes, what is being done to remove barriers to competition?

☒ Nothing, explain: **for reasons noted in T9, this will remain a sole source.**

☐ Actions such as, [REDACTED]

- If Yes, Will it be competed in the future?

☒ No, explain: **for reasons noted in T9.**

☐ Yes on **(when)**

☐ No, this is a one time buy.

☐ No, this a final buy.

- ☐ Is this for a follow-on requirement?

☐ Yes

- If Yes, Is the previous J&A attached?

☐ Yes

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be the only source available because an award to a source other than the original provider would result in an unacceptable delay in fulfilling the Government's requirements.

- Going to another source would create a delay of approximately 1 year
- Explain in detail how this delay estimate was determined
- Explain in detail how the Government would be unable to meet its requirements by this delay
- Describe the specified source's ability to provide the needed supplies / services within the necessary timeframe.

☐ Other

- Be specific and delineate why only the stated source can provide the above supplies or services.

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☐ No, explain:

☒ No